(3) C.F 10/5

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION No. 438 / 2002

PETITIONER : Ganga Prasad Tripathi, son of Purushottam Prasad, aged about 50 years, occupation: ex.employee of S.E.C.L. (Grade-I Clerk), resident of 8th Godhar R.S., P.O. Rewa, Dist: Rewa (M.P).

Versus

RESPONDENTS :

1. Union of India: Through: Secretary, Government of India, Ministry of Labour, Udyog Bhawan, New Delhi.

2. Chairman-cum-Managing Director, S.E.C.L., Bilaspur (C.G).

3. Chief General Manager, S.E.C.L., Baikuntpur Area, Dist.Korea(CG).

Deputy Chief Personnel Manager, S.E.C.L., Jhilimili Sub-Area, Dist: Korea (C.G).

P. R. No. 438/02
Presented by Shri S. K. ...
dated ...

WRIT PETITION UNDER ARTICLE 226 / 227 OF THE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(49)

आदेश पत्रक

मामला क्रमांक WP 428/02 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

5-5-2004

Shri Shailesh Ahuja, counsel for the petitioner.

Shri H.B. Agrawal, counsel for respondents.

The petitioner has preferred this writ petition under Articles 226/227 of the Constitution of India challenging his termination order dated 19-11-99.

The petitioner's petition is that he was appointed temporarily in the S.E.C.L. in the year 1977 and his appointment was extended from time to time and he was also promoted. Vide order dated 30th August 1996 passed by the Chief General Manager, S.E.C.L., Hasdeo Area, certain allegations were brought against the petitioner alleging that the petitioner along with other employees has forcibly caused the stoppage of the working of the mines, disrupted the production, essential services and safety of the mines, assaulted Ramji Tiwari, Mining SIRDAR, Sought Jharkhand Colliery, wrongfully confined S.N. Dubey, Sub Area Manager, Rajnagar open cast at Sector-A and also wrongfully confined Senior Executives at the guest house and the petitioner was dismissed w.e.f. 30th August 1996.

The petitioner made a representation (Annexure-P/2) on 16-9-96 and the petitioner had also filed an appeal against the said order before the Chairman-cum-Managing Director and stated therein

XII-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

that all the allegations brought against him and mentioned in the order dated 30th August 1996 are baseless. The appeal filed by the petitioner was considered and some settlement was arrived at between the Management and the petitioner. The petitioner was reinstated as Clerk Gr.-I at Pandavpara Colliery vide order dated 27-12-97. After his reinstatement and signing of the 'H' Form settlement, the Management authorities started taking undue advantage and harassed the petitioner by giving him the work which Grade-II or Grade-III Clerk was supposed to do and when the petitioner refused to do so, he was asked either to accept the work assigned to him or leave his job. The petitioner had no other option except to do so in order to save his services. Secondly, the petitioner was allotted to perform the duties during second nights, which normally the petitioner was not required to do. The petitioner was not granted one annual increment. A show cause notice was issued to the petitioner on 18-11-99. He submitted his explanation but the same was not considered by the Management and terminated the services of the petitioner vide order dated 19-11-99. During that period the petitioner was on leave and his services have been wrongfully terminated.

I have heard the learned counsel for the parties.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(51)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 3 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned counsel for the respondents submitted that the reference has already been made to the Central Government Industrial Tribunal-cum-Labour Court at Jabalpur under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Annexure-A dated 6-9-2002. Counsel further submitted that the petitioner is required to pursue his case with the Central Government Industrial Tribunal. Since alternative remedy is available to the petitioner, the petition is not maintainable.

Learned counsel for the petitioner submitted that this writ petition may be disposed of with a direction that the respondents should co-operate with the petitioner and they should assist the Tribunal to decide the reference at the earliest to which the learned counsel for the respondents has no objection.

Counsel for the petitioner further submitted that in reference order dated 6-9-2002 it was ordered that the reference should be decided within a period of 3 months, but reference has not been decided so far.

In the given situation the Tribunal should decide the reference at the earliest looking to the terms of the reference made.

Having heard the learned counsel for the parties and having regard to the above reference order dated 6-9-2002, the petition is

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(51)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... बिरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

disposed of, as the matter has already been referred to the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur. However, the Tribunal should expedite the hearing of the reference and to decide it at the earliest.

In view of the above, the writ petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

पीछे देखिये